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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,114	05/27/1999	KENNETH ARAUJO	2108-US	7524
56436	7590	11/20/2006	EXAMINER	
3COM CORPORATION 350 CAMPUS DRIVE MARLBOROUGH, MA 01752-3064			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/322,114

Applicant(s)

ARAUJO, KENNETH

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8-14,17,18,21-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8-14,17-18,21-23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/19/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1,4-6,8-14,17-18,21-23 and 25 are pending. Claims 2,3,7,15,16,19,20, 24,26-45 are canceled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/06 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4-6,8-14,17-18,21-23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Dreke et al [2002/0035594 A1].

3. As per claim 1, Dreke discloses A dynamic network address registration system, comprising:

a first device; a second device, said first device and said second device adapted to communicate via a communications network [Dreke, a server, first and second client adapted to be presented on a network, claims 18-20]; and

a controller coupled to the internet and to a second communication network, said controller adapted to store a current dynamic network address for each of said first device and said second device therein [Dreke, an active host using network address, a second list of IP addresses is currently present on network, claim 3-8], said controller operable to receive said current network addresses via the second communication network and to provide said current dynamic network address of said second device to said first device such that a virtual private network (VPN) can be efficiently established between said first device and said second device the internet [Dreke, the peer- peer or VPN, Internet, claim 9].

4. As per claim 4, Dreke discloses said first device, said second are further adapted to be coupled to the second communication network [Dreke, a server, first and second client adapted to be presented on a network, claims 18-20].

5. As per claim 5, Dreke discloses said controller is adapted to inform said first device, via said second communication network, as to whether or not said second device is coupled to the internet [Dreke, peer- peer or VPN, Internet, claim 9].

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6. As per claim 6, Dreke discloses said controller is adapted to instruct said second device, via said second communications network, to coupled to the internet [Dreke, the peer- peer or VPN, Internet, claim 9].

7. As per claim 8, Dreke discloses said second communications network is a circuit switched network as inherent feature of Internet.

8. As per claim 9, Dreke discloses A method for establishing a virtual private network (VPN) between a first device and a second device via the internet, said method comprising the steps of:

a) said first device contacting a controller using a second communication network to determine the status of said second device [Dreke, status, claim 1];

b) said first device obtaining, from said controller, a current dynamic network address for said second device [Dreke, an active host using network address, a second list of IP addresses is currently present o network, claim 3-8]; and

c) establishing a VPN via the internet between said first device and said second device [Dreke, the peer- peer or VPN, Internet, claim 9]

9. As per claim 10, Dreke discloses said first device obtaining from said controller, via the second communications network, information as to whether or not said second device is coupled to the internet [Dreke, the peer- peer or VPN, Internet, claim 9].

10. As per claim 11, Dreke discloses a1) provided said second device is not coupled to the internet, said first device instructing said second device, via said second communications network, to couple to the internet and to said controller [Dreke, the peer- peer or VPN, Internet, claim 9].

11. As per claim 12, Dreke discloses a1) provided said second device is not coupled to the internet, said controller instructing said second device, via said second communications network, to couple to the internet and to said controller [Dreke, the peer- peer or VPN, Internet, claim 9].

12. As per claim 13, Dreke discloses b 1) said first device providing said controller with non static a current dynamic address for said first device.

13. As per claim 14, Dreke discloses c) establishing said VPN between said first device and said second device, via said communications network, using current dynamic network addresses of each of the first and second devices [Dreke, the peer- peer or VPN, Internet, claim 9].

14. As per claim 17, Dreke discloses said second communications network is a circuit switched network as inherent feature of Internet.

15. As per claim 18, Dreke discloses A controller for efficiently establishing a virtual private network (VPN) between a first device and a second device via the internet, said controller comprising:

means for coupling said controller to the internet [Dreke, peer- peer or VPN, Internet, claim 9]:

means for storing a current dynamic network address information for said first device received via a second communication network [Dreke, an active host using network address, a second list of IP addresses is currently present o network, claim 3-8]

means for storing a current dynamic network address for said second device received via the second communication network [Dreke, an active host using network address, a second list of IP addresses is currently present on network, claim 3-8]

means for providing said current dynamic network address of said second device to said first device such that said VPN can be established between said first device and said second device via the internet [Dreke, the peer- peer or VPN, Internet, claim 9].

16. As per claim 21, Dreke discloses said first device, said second device, and said controller are further adapted to be coupled to the second communications network [Dreke, a server, first and second client adapted to be presented on a network, claims 18-20].

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17. As per claim 22, Dreke discloses said controller is adapted to inform said first device, via said second communications network, to couple the internet [Dreke, the peer- peer or VPN, Internet, claim 9].

18. As per claim 23, Dreke discloses said controller is adapted to instruct said second device, via said second communications network, to couple to the internet [Dreke, the peer- peer or VPN, Internet, claim 9].

19. As per claim 25, Dreke discloses said second communications network is a circuit switched network as inherent feature of Internet.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless.—

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4-6,8-14,17-18,21-23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Banks et al [Banks 6,684,336 B1].

20. As per claim 1, Banks discloses A dynamic network address registration system, comprising:

a first device; a second device, said first device and said second device adapted to communicate via a communications network [Banks, a globally-unique ID and globally-unique name is done for design flexibility or adaptable, col 5 lines 29-55]; and

a controller coupled to the internet and to a second communication network, said controller adapted to store a current dynamic network address for each of said first device and said second device therein [Banks, current address for the first end system with dynamic address assignment, col 34 lines 10-16], said controller operable to receive said current network addresses via the second communication network and to provide said current dynamic network address of said second device to said first device such that a virtual private network (VPN) can be efficiently established between said first device and said second device the internet [Banks, VPN, col 1 liner 25; Web server 200, Fig 6B].

21. As per claim 4, Banks discloses said first device, said second are further adapted to be coupled to the second communication network [Banks, a globally-unique ID and globally-unique name is done for design flexibility or adaptable, col 5 lines 29-55].

22. As per claim 5, Banks discloses said controller is adapted to inform said first device, via said second communication network, as to whether or not said second device is coupled to the internet [Banks, VPN, col 1 liner 25; Web server 200, Fig 6B].

23. As per claim 6, Banks discloses said controller is adapted to instruct said second device, via said second communications network, to coupled to the internet [Banks, VPN, col 1 liner 25; Web server 200, Fig 6B].

24. As per claim 8, Banks discloses said second communications network is a circuit switched network [Banks, PSTN, Fig 1].

25. As per claim 9 Banks discloses A method for establishing a virtual private network (VPN) between a first device and a second device via the internet, said method comprising the steps of:

a) said first device contacting a controller using a second communication network to determine the status of said second device [Banks, status, col 7 lines 36-50];

b) said first device obtaining, from said controller, a current dynamic network address for said second device [Banks, current address for the frist end system with dynamic address assignment, col 34 lines 10-16]; and

c) establishing a VPN via the internet between said first device and said second device [Banks, VPN, col 1 liner 25; Web server 200, Fig 6B]

26. As per claim 10, Banks discloses said first device obtaining from said controller, via the second communications network, information as to whether or not said second device is coupled to the internet [Banks, VPN, col 1 liner 25; Web server 200, Fig 6B].

27. As per claim 11, Banks discloses a) provided said second device is not coupled to the internet, said first device instructing said second device, via said second communications network, to couple to the internet and to said controller [Banks, Web server 200, Fig 6B].

28. As per claim 12, Banks discloses a) provided said second device is not coupled to the internet, said controller instructing said second device, via said second communications network, to couple to the internet and to said controller [Banks, VPN, col 1 liner 25; Web server 200, Fig 6B].

29. As per claim 13, Banks discloses b 1) said first device providing said controller with non static a current dynamic address for said first device [Banks, current address for the first end system with dynamic address assignment, col 34 lines 10-16].

30. As per claim 14, Banks discloses said step c) establishing said VPN between said first device and said second device, via said communications network, using current dynamic network addresses of each of the first and second devices [Banks, current address for the first end system with dynamic address assignment, col 34 lines 10-16].

31. As per claim 17, Banks discloses said second communications network is a circuit switched network [Banks, PSTN, Fig 1].

32. As per claim 18, Banks discloses A controller for efficiently establishing a virtual private network (VPN) between a first device and a second device via the internet, said controller comprising:

means for coupling said controller to the internet [Banks, Web server 200, Fig 6B];

means for storing a current dynamic network address information for said first device received via a second communication network [Banks, current address for the first end system with dynamic address assignment, col 34 lines 10-16]

means for storing a current dynamic network address for said second device received via the second communication network [Banks, current address for the first end system with dynamic address assignment, col 34 lines 10-16]

means for providing said current dynamic network address of said second device to said first device such that said VPN can be established between said first device and said second device via the internet [Banks, VPN, col 1 liner 25; Web server 200, Fig 6B].

33. As per claim 21, Banks discloses said first device, said second device, and said controller are further adapted to be coupled to the second communications network

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[Banks, a globally-unique ID and globally-unique name is done for design flexibility or adaptable, col 5 lines 29-55].

34. As per claim 22, Banks discloses said controller is adapted to inform said first device, via said second communications network, to couple the internet [Banks, Web server 200, Fig 6B].

35. As per claim 23, Banks discloses said controller is adapted to instruct said second device, via said second communications network, to couple to the internet [Banks, Web server 200, Fig 6B].

36. As per claim 25, Banks discloses said second communications network is a circuit switched network [Banks, PSTN, Fig 1].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner
Art Unit 2142



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